



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,732	08/13/2001	Yannick Burianne	09669/003001	9848

22511 7590 04/13/2004

OSHA & MAY L.L.P.  
1221 MCKINNEY STREET  
HOUSTON, TX 77010

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/857,732

Applicant(s)

BURIANNE, YANNICK

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8/13/200.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The claims 1-10 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 3-9, they are unclear to define where they are depended on.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Parvathaneny et al (US. 5,829,006).

3. As to claim 1, APA teaches the invention substantially as claimed including: a memory (memory, page 1, ln 14-34), one application program (one application programs,

Art Unit: 2126

page 1, ln 14-34), one configurable variable (configurable variable, page 1, ln 14-34), a list (files, page 1, ln 14-34), one reference element (data in the files, page 1, ln 14-34), initializing (initialization, page 1, ln 23-33), configured with several parameter (modifying the values of initializing data with in said files, page 1, ln 25-34).

4. APA does not teach a command for sending data that contain in particular values to be assigned to the configurable variable. However, Parvathaneny teaches a command for sending (call functions, col 5, ln 37-45), data that contain in particular values to be assigned to the configurable variable (the object 414, object 414 has information needed to initialize base attributes of object, col 5, ln 5-45).

5. It would have been obvious to one of the ordinary skill in the art at time the invention was made to combine the teaching of APA and Parvathaneny because Parvathaneny's call function, Object 414 has information need to initialize base attributes of the object would initialize the attributes of prefetch path objects that are defined by associated prefetch path classes and any supper class and subclasses of the prefetch path class.

6. **As to claim 2**, APA teaches configurable variables (configurable variables, page 1, ln 15-22), memory (memory, page 1, ln 15-22).

7. **As to claim 3**, APA teaches reference element (data, page 1, ln 23-30), a configurable variable (variables, page 1, ln 23-30).

8. **As to claim 4**, APA and Peterson do not teach configurable variables that are referred to within the same list and which derive from the same parent class. However, Parvathaneny teaches the same list (the hierarchy table, Fig. 3C/ col 7, ln 40-60), the same parent class (class A/ class C, col 7, ln 8-35/ Fig. 3B).

Art Unit: 2126

9. **As to claim 5**, Parvathaneny teaches at least two configurable variables (a1, a2, Fig. 3b), the same list (the hierarchy table, Fig. 3C/ col 7, ln 40-60), the same class (class A, col 7, ln 8-35/ Fig. 3B).

10. **As to claim 7**, APA teaches initialization means (initialization phase, page 1, ln 23-33).

11. **As to claim 10**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above.

12. Claims 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Parvathaneny et al (US. 5,829,006) further in view of Peterson (US. Patent 6,708,181 B1).

13. **As to claim 6**, APA and Parvathaneny do not teach one initialization means resides within memory irrespective of the application. However, Peterson teaches (the class initialization methods for all classes which need for the core initialization, col 4, ln 15-20).

14. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Parvathaneny and Peterson because Peterson's the class initialization methods for all classes which need for the core initialization" would prevent duplicates of the initialization process from being performed within each of the class objects.

Art Unit: 2126

15. **As to claim 8**, Peterson teaches initialization means (void class initialization, col 5, and ln 5-15, the same language (the object oriented program language, col 3, and ln 11-20).

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Parvathaneny et al (US. 5,829,006) further in view of Peterson (US. Patent 6,708,181 B1) and further in view of Marcelais et al (US. Patent 6,110,227).

17. **As to claim 9**, APA, Parvathaneny and Peterson do not teach command enable reading. However, Marcelais teaches command enable reading (the variable initializes of all such files are pre-processed while the linker processes the data read from the object and/or library files to create a binary image), col 17, ln 36-42).

18. It would have been obvious to one of the ordinary skill in the art at time the invention was made to combine the teaching of APA, Parvathaneny, Peterson and Marcelais because Marcelais's "the variable initializes of all such files are pre-processed while the linker processes the data read from the object and/or library files to create a binary image), col 17, ln 36-42" would eliminate latency caused by processing the initializer upon start-up of the computer program.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Art Unit: 2126

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

April 2, 2004



MENG-AI Y. AN  
PATENT EXAMINER  
TECHNOLOGY CENTER 2100